

**FILED**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

JUN 17 2011

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
CAPE GIRARDEAU

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            ) Case No.  
                                )  
JAMES TEBEAU,             )  
Defendant.                 )

1:11cv00103SNLJ

**COMPLAINT**

The United States of America alleges:

**JURISDICTION AND VENUE**

1. Jurisdiction is founded on the civil provisions of the Controlled Substances Act, 21 U.S.C. §§ 842(c)(1)(A) and 843(f)(2), and under 28 U.S.C. §§ 1331, 1345, and 1335.
2. Venue is proper in the Eastern District and Division of Missouri under 28 U.S.C. §§ 1391(b) and 1395(a). This court has personal jurisdiction over the Defendant because at times relevant to the allegations of the complaint he has transacted business within this District and in Shannon County, Missouri.

**THE PARTIES**

3. Plaintiff in this action is the United States of America ("United States").
4. The Controlled Substances Act criminalizes the management or control of a place, whether permanently or temporarily, either as an owner, lessee, agent, employee, occupant, or mortgagee, to knowingly and intentionally rent, lease, profit from, or make available for use, with or without compensation, that place for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance. 21 U.S.C. 856(a)(2). Violation of this provision

subjects a person to civil penalties of not more than the greater of: (A) \$250,000; or (B) two times the gross receipts, either known or estimated, that were derived from each violation that is attributable to the person.

5 Defendant James Tebeau ("Tebeau") is a Missouri resident and citizen, who has been involved in the operation of music festivals known as "Schwagstock" or "Schwag Festivals" in Shannon County, Missouri since May, 2004. These music festivals take place over the course of various weekends from April through October each year on approximately 352.65 acres near the Current River known as "Camp Zoe".

6. This real property is owned and controlled by James T. Tebeau and is located in Shannon County, Missouri; it is more particularly described as:

Approximately 330 acres of land known as Camp Zoe, and further described as:

The West Half of the Northeast Quarter; the East Half of the Northwest Quarter; the East Half of the West Half of the Northwest Quarter; the East Half of the Southwest Quarter; the East Half of the Northwest Quarter of the Southwest Quarter; the North Half of the Southwest Quarter of the Southwest Quarter; the Southeast Quarter of the Southwest Quarter of the Southwest Quarter; all in Section 8, Township 30 North, Range 4 West, Shannon County, Missouri, and

Approximately 22.65 acres of land known as Camp Zoe, and further described as:

Tract 1: The West Half of the Northwest Quarter of the Southwest Quarter of Section 8, Township 30 North, Range 4 West; and,

Tract 2: All that part of Lot No. 5 of Section 7, Township 30 North, Range 4 West, lying easterly of the right-of-way line of State Highway No. 19.

## **GENERAL ALLEGATIONS**

### **COUNT 1– MAINTAINING A DRUG-INVOLVED PREMISES**

7. Since May, 2004, James Tebeau (Tebeau) has been involved in the operation of music festivals known as "Schwagstock" or "Schwag Festivals" in Shannon County, Missouri. These music festivals take place over the course of various weekends from April through October each year on approximately 352.65 acres near the Current River known as "Camp Zoe". This property is owned or controlled by James T. Tebeau.

8. Beginning in 2006, the Missouri State Highway Patrol, working with the Drug Enforcement Administration, the Internal Revenue Service, and other law enforcement agencies, began an investigation of Tebeau and illegal activities occurring at Camp Zoe. Pursuant to information revealed through law enforcement surveillance, undercover operations, source information, bank records, and interviews, law enforcement agents have learned of the extensive use of and sale of numerous drugs and controlled substances at Camp Zoe by attendees of the festivals held at Camp Zoe. Over the past several years, law enforcement agents have specifically observed the open sales of cocaine, marijuana, LSD (acid), ecstasy, psilocybin mushrooms, opium, and marijuana-laced food products by individuals attending the music festival and have made multiple undercover purchases of illegal drugs. Over one hundred undercover purchases have been made at Camp Zoe by undercover law enforcement agents.

9. Many of the illegal drug transactions were conducted while Camp Zoe staff members, including the owner Tebeau, were in the immediate area and took no action to prevent the activity.

10. Additionally, there were several known locations along roads and foot trails in Camp Zoe where individuals would commonly congregate, display their illegal drugs, and call out what they were selling as individuals walked by; Camp Zoe staff undertook no action to break up or prevent these known gatherings.

11. Camp Zoe staff members have stated that they participated in conversations with Tebeau regarding the rampant drug use at the music festivals held at Camp Zoe. The staff members further stated that illegal drug use was everywhere during the music festivals at Camp Zoe.

12. Throughout the 2009 and 2010 festival seasons, undercover officers have identified several known drug traffickers at Camp Zoe from whom they have purchased illegal drugs at multiple events. Narcotics traffickers and festival attendees from a multi-state area have been identified through surveillance and law enforcement traffic stops.

13. Officers have estimated attendance at least 5,000 to 6,000 at events during 2008 and 2009, although site capacity is advertised to be 10,000. In the advertisement information for the Schwagstock event held on the 2009 Memorial Day weekend, the Camp Zoe website states that "Camp Zoe has hosted twenty-five Schwag festivals over the last five years with a cumulative attendance of over 120,000."

14. The vending area of Camp Zoe is called "Shakedown Street." TEBEAU advertises space for 30 to 40 vendors per event, and all vendors must pay, and be approved, through an application process. Vendors travel from across the nation to Camp Zoe to engage and profit from the environment created and operated by the TEBEAU organization at Camp Zoe.

15. TEBEAU received United States currency from gate receipts to the music festivals, where illegal drug sales and drug possession were made available for use. The gate receipts were deposited into the Zoe Campitheater LLC bank account at Security Bank of the Ozarks.

16. Law enforcement has identified twenty-two deposits of gate receipts by JAMES TEBEAU from August 2006 through November 2010 which total approximately \$1,482,158.77 in United States Currency.

17. Seizure warrants were executed by Internal Revenue Service on two bank accounts at Security Bank of the Ozarks in the name of Zoe Campitheater LLC resulting in the seizure of \$137,710 in United States currency.

**PRAYER FOR RELIEF**

WHEREAS, Tebeau managed or controlled Camp Zoe and intentionally made it available for use, with or without compensation, for the purpose of unlawfully distributing or using controlled substances in violation of 21 U.S.C. 856(a)(2).

WHEREFORE, Plaintiff United States of America respectfully requests that:

With respect to Count I, judgment be entered in favor of Plaintiff and against Defendant for civil money penalties under the Controlled Substances Act, Title 21 United States Code Section 856(d), not more than the greater of: (a)\$250,000 in United States currency; or (b) two times the gross receipts, either known or estimated, that were derived from each violation that is attributable to the defendant, plus interest, costs, and any and all relief that the Court deems just and proper.

Respectfully submitted,

RICHARD G. CALLAHAN  
UNITED STATES ATTORNEY

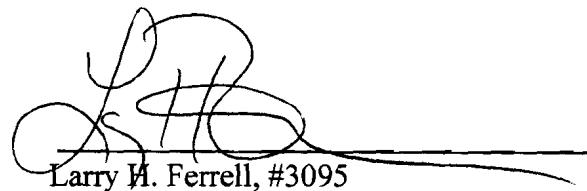


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**CERTIFICATE OF SERVICE**

I hereby certify that on June 17, 2011, the foregoing Complaint was filed with the Clerk of the Court and a copy served via United States Mail upon the following counsel:

Mr. Gilbert C. Sison  
Rosenblum and Schwartz  
120 S. Central Avenue, Suite 130  
Clayton, MO 63105



Larry H. Ferrell, #3095